

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Timothy Leon Woodby, )  
                          )  
                          )  
Plaintiff,            )                            Civil Action No. 1:14-952-RMG  
                          )  
                          )  
vs.                    )  
                          )  
                          )  
Carolyn W. Colvin, Commissioner of            )                            **ORDER**  
Social Security,      )  
                          )  
                          )  
Defendant.            )  
                          )  
                          )  
                          )

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This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on January 27, 2015 recommending that the decision of the Commissioner be reversed and remanded to the agency because of the Administrative Law Judge's failure to give retroactive consideration to the opinions Dr. Mackie J. Walker, D.P.M., and to make a proper credibility assessment. (Dkt. No. 24 at 23-31). The Commissioner has filed a response to the Magistrate Judge's R & R indicating that she will file no objections. (Dkt. No. 27).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision

of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.



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Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
February 11, 2015